

REMARKS

This Amendment is in response to an Office Action mailed April 15, 2010. In the Office Action, claims 1-3, 18-20 and 22-38 were rejected under 35 U.S.C. §103. No amendments have been made to the pending claims.

Reconsideration and allowance of the pending claims is respectfully requested.

Examiner's Interview

The undersigned attorney conducted a telephonic interview with the Examiner on July 6, 2010. During the telephone conferences, the undersigned attorney briefly highlighted how the cited references do not render the claimed invention unpatentable as denoted below. On July 9, 2010, after discussion with his primary examiner, the Examiner agrees that the claims are allowable over the cited references. Applicants respectfully request the Examiner to allow the pending application and issue a Notice of Allowance.

Rejections Under 35 U.S.C. §103

Claims 1-3, 18-20 and 22-36 are rejected under 35 U.S.C. §103(a) as being unpatentable over Salmonsén (U.S. Patent Publication No. 2007/0005334) in view of Higashida (U.S. Patent No. 6,862,401). Applicant respectfully traverses the rejection because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *See MPEP §2143; see also In Re Fine*, 873 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). In particular, the Supreme Court in *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966), stated: "Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined." MPEP §2141. In *KSR International Co. vs. Teleflex, Inc.*, 127 S.Ct. 1727 (2007) (Kennedy, J.), the Court explained that "[o]ften, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, *all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.*" *Emphasis added*. The Court further required that an explicit analysis for this reason must be made. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR* 127 S.Ct. at 1741, quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).

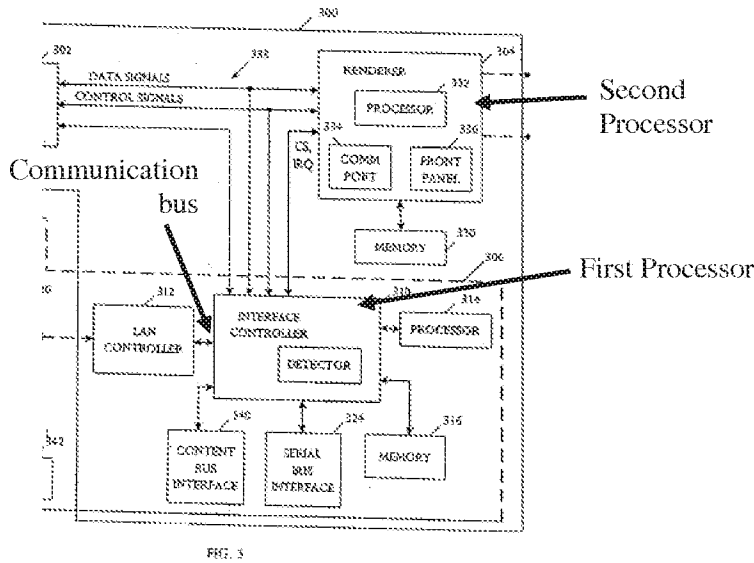
In the instant case, Applicant respectfully submits that the teachings of the combined references do not suggest all of the claim limitations and there is no apparent reason to combine the elements identified by the Examiner in the manner as claimed. Thus, no *prima facie* case of obviousness has been established.

First, before proceeding with a discussion as to the allowability of the claims, the undersigned attorney respectfully points out that the Office Action fails to address all of the limitations set forth in claim 28. In particular, pages 4-5 of the Office Action outline the §103(a) rejection of claims 1 and 28; however, claim 28 also includes, *inter alia*, the limitations “a video terminal” and “the second processor to ... (ii) display video signals, that are based on the decoded first stream data and transmitted by the first processor over a video bus separate from the communication bus, on the video terminal.” These limitations are not addressed in the Office Action, and thus, on its face, the outstanding §103(a) rejection does not establish a *prima facie* case of obviousness for claim 28.

With respect to independent claims 1, 19 and 28, neither Salmonsens nor Higashida, alone or in combination, describe or suggest the claimed invention. As set forth in the Office Action, the Examiner interprets the “communication bus” to be “the communication bus between the LAN controller 312 and the interface controller 310, as disclosed in paragraph 0064 [of Salmonsens].” *See page 4 of the Office Action*. Moreover, the Examiner interprets the “first processor” as the interface controller 310 of Salmonsens and the “second processor” as the sink 304 of Salmonsens. *Id.*

However, the Examiner acknowledges that Salmonsens does not disclose a second processor (sink 304) to decode the second stream data in accordance with an instruction sent from the first processor (interface controller 310). *See page 5 of the Office Action*. Rather, the Examiner relies on the teachings of Higashida, namely the CPU 11 instructing the recording/reproducing control means 7 to write AV data, for such teaching. We respectfully disagree because not only is there no suggestion to combine such teachings, but also, even if combined, such teachings do not render the claimed invention obvious.

In particular, the Examiner recites that the “communication bus” is the bus between the LAN controller 312 and the interface controller 310 (first processor) as shown in FIG. 3 of Salmonsens (below). Also, the “second processor” constitutes the sink 304 of Salmonsens.



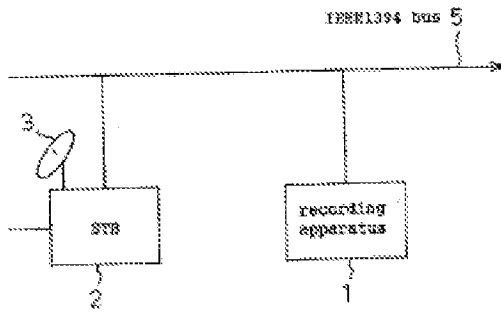
However, claims 1, 19 and 28 disclose a limitation of a second processor (sink 304) to decode the second stream data to reproduce the second stream data in accordance with an instruction *sent from the first processor* (interface controller 310) *over the communication bus* (bus between the interface and LAN controllers 310 and 312). *Emphasis added.* Given that the “communication bus” has been interpreted by the Examiner, with supervisory assistance, as the communications between the interface controller 310 and LAN controller 312, an instruction from the first processor (interface controller 310) sent over this bus would not be sent to the second processor (sink 304). Rather, an instruction sent over the “communication bus” (as interpreted) would be sent away from second processor (sink 304). Therefore, again, a *prima facie* case of obviousness has not been established for claims 1, 19 and 28.

Secondly, Applicant respectfully believes that, perhaps unintentionally, impermissible hindsight reconstruction has been conducted during the examination of this application. As support for this belief, twice, prosecution has been re-opened for this application with new references offered each time without any acknowledgement of the allowability of a single claim. Applicant respectfully requests that the outstanding §103(a) rejection be withdrawn and the pending claims be allowed.

Thirdly, Applicant respectfully submits that a *prima facie* case of obviousness has not been established because the combined teachings of the cited references fail to describe or suggest all of the claim limitations for dependent claims 2-3, 18, 20, 22-27 and 29-38. For instance, as illustrative examples:

(1) Claims 22, 37 & 38: the bus between the LAN controller 312 and the Interface Controller 310 is not described or suggested as being a Peripheral Component Interconnect (PCI) bus. The Examiner alleges that col. 13, lines 9-14 of Higashida discloses “the communication bus is a Peripheral Component interconnect (PCI) bus”. We disagree. Col. 13, lines 9-14 of Higashida describes the format of bus (5), namely the bus that interconnects the recording

apparatus (1) with the STB (2) as illustrated below in FIG. 1 of Higashida. This description is not directed to the bus between the recording/reproducing control means (7) and the CPU (11) of Higashida.



Further, although the foregoing has described that the STB and the recording apparatus are connected with each other via the IEEE1394 bus in each embodiment, this is not limiting. The STB and the recording apparatus may be connected with each other via other bus, such as a PCI bus, except for a IEEE1394 bus.

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Regardless, the teachings of PCI bus should not be applied to what, if the Examiner agrees, appears to be a dedicated communication path between two different controllers as shown in FIG. 3 of Salmonsens.

(2) Claims 20 and 34: the “network control unit” has been construed by the Examiner as the LAN controller (312) of Salmonsens. Dependent claims 20 and 34 explicitly define the network control unit as including an IEEE 1394 processor. The Examiner contends that paragraph [0065] of Salmonsens discloses this limitation. We disagree. Paragraph [0065] describes the *content bus interface (340)* shown in FIG. 3 of Salmonsens. It does not describe the architecture of the *LAN controller (312)*. *Emphasis added.*

[0065] The content bus interface 340 enables the device 300 to communicate with a variety of other devices and device types. For example, the content bus interface 340 may enable connection to one or more of local area network (LAN) cards, a Universal Serial Bus (USB), an IEEE 1394 standard compatible bus, an Audio/Visual (A/V) bus, a Serial Systems Interconnect Bus (SSIB), a cable modem, a digital camera, a video camcorder, a Personal Digital Assistant (PDA), or any other device that produces electronic signals.

Para [0065] of Salmonsens

Lastly, based on the dependency of claims 2-3, 18, 20, 22-27 and 29-38 on independent claims 1, 19 and 28, which are believed by Applicant to be in condition for allowance, no further discussion as to the grounds for traverse is warranted. Applicant reserves the right to present such arguments in an Appeal is warranted.

Conclusion

Applicant respectfully requests withdrawal of the §103(a) rejection as applied to claims 1-3, 18-20 and 22-38 and respectfully requests that a timely Notice of Allowance be issued in this case based on the combination of all of the limitations set forth in these claims.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: July 13, 2010

By /William W. Schaal/

William W. Schaal

Reg. No. 39, 018

Tel.: (714) 557-3800 (Pacific Coast)